

Message Text

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ACTION SS-25

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FM AMEMBASSY MOSCOW

TO SECSTATE WASHDC IMMEDIATE 5540

S E C R E T SECTION 1 OF 2 MOSCOW 14697

EXDIS

E.O. 11652: XGDS-3

TAGS: PARM, US, UR

SUBJ: TTBT/PNE NEGOTIATIONS: RESTRICTED MEETING OCTOBER 14, 1975

TTBT/PNE DELEGATION MESSAGE NO. 48

REF: MOSCOW 14637

1. SUMMARY. AT OCTOBER 14 RESTRICTED MEETING STOESSEL MADE STATEMENT (SEE REFTEL) PRESSING SOVIETS ON NEED TO DEVELOP SERIOUS DIALOGUE ON FIVE MAJOR ISSUES (TIES TO TTBT; APPLICATION OF PROVISIONS IN THIRD COUNTRIES; VERIFICATION PROVISIONS IN PROTOCOLS; SOVIET DOMESTIC LAW; AND SOVIET ASSERTIONS THAT US VERIFICATION PROVISIONS SEEK UNWARRANTED INFORMATION AND INTEFERENCE WITH PNE PROJECTS) IF WE ARE SUCCESSFULLY TO COMPLETE OUT WORK. MOROKHOV MADE LONG, CONTRARY STATEMENT, WHICH HE CHARACTERIZED AS PRELIMINARY REMARKS WITH FULLY DETAILED REPLY TO FOLLOW, COVERING:

(A) TTBT TIES (SAYING SOVIET TEXT ADEQUATELY PROVIDES FOR THIS, AND IF ANYTHING GOVERNS INDEPENDENT PNE AGREEMENT IT IS NPT ARTICLE V WHICH ALSO PROVIDES BASIS FOR MEETING US POINT ABOUT VERIFICATION IN THIRD COUNTRY APPLICATIONS);

(B) NEED TO NEGOTIATE FROM SOVIET TEXT (WHICH TAKES INTO ACCOUNT US CONCERNS BUT US REFUSES TO ADDRESS IT);

(C) UNWARRANTED INFORMATION AND PROJECT INTERFERENCE (US REFUSES TO ANSWER SOVIET QUESTIONS DIRECTED AT THIS, AND WILL NOT EXPLAIN WHY SUCH WOULD NOT RESULT FROM US PROVI-

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SIONS WHICH USSR VIEWS AS MORE EXTENSIVE THAN NECESSARY

FOR PURELY VERIFICATION PURPOSES); AND (D) EXISTING SOVIET DOMESTIC LAW (WITH WHICH, MOROKHOV MADE CLEAR, ANY PNE AGREEMENT WOULD HAVE TO SQUARE). MOROKHOV DID ELABORATE SOMEWHAT ON HIS EARLIER COMMENTS ABOUT A POSSIBLE JOINT APPROACH TO EQUIPMENT, AND UNDERScoreD AGAIN NEED TO SOLVE OBSERVER SITUATION THROUGH COOPERATION. IT WAS AGREED TO HAVE ANOTHER RESTRICTED MEETING AT 4:00 PM OCTOBER 15, PRECEDED AT 4:00 PM OCTOBER 14 BY RESTRICTED WORKING GROUP EFFORT, HEADED BY BUCHHEIM AND TIMERBAEV, TO DEVELOP PROCEDURAL APPROACH TO FACILITATE GENERAL WORKING GROUP ACTIVITY AND PERHAPS FURTHER EXPLORE DIFFERENCES RELATING TO QUESTIONS OF PRINCIPLE. END SUMMARY.

2. STOESSEL MADE STATEMENT IN RESTRICTED MEETING OCTOBER 14 (STOESSEL/BUCHHEIM/MARTIN/TUNIK - MOROKHOV/TIMERBAEV/SAFRONOV/KOVALEV), IN WHICH HE OUTLINED FUNDAMENTAL US VIEWS ON FIVE MAJOR PROBLEMS THAT MUST BE RESOLVED IN ORDER TO ACHIEVE PNE AGREEMENT. STOESSEL STATEMENT MADE CLEAR THAT US HAD FLEXIBLE APPROACH FOR ACHIEVING THIS GOAL, BUT ALSO MADE CLEAR THAT SUCCESS WOULD DEPEND ON HAVING "AN ADEQUATE BASIS FOR PREPARING A MUTUALLY ACCEPTABLE AGREEMENT". THE TEXT OF AN AGREEMENT WOULD HAVE TO BE CLEAR AND PRECISE, WITH "ALL ESSENTIAL PROVISIONS ESTABLISHED IN EXPLICIT AND BINDING TERMS".

3. MOROKHOV THANKED STOESSEL FOR HIS FRANK STATEMENT, AND SAID THAT AMBASSADOR CAN "REST ASSURED THAT IT WILL BE STUDIED VERY CAREFULLY". MOROKHOV SAID HE WOULD MAKE ONLY PRELIMINARY REMARKS TODAY, BUT WOULD PROVIDE FULLY DETAILED REPLY LATER.

4. WITH RESPECT TO PNE/TTBT RELATIONSHIP, MOROKHOV SAID SOVIET TEXT REFERS TO TTBT, AND ALSO TO NEED TO MEET ITS OBLIGATIONS. SOVIET TEXT ALSO INDICATES THAT TTBT ARTICLE III OBLIGATES US TO WORK OUT AN AGREEMENT GOVERNING PNES.

5. MOROKHOV SAID HE WISHED TO UNDERLINE IDEA THAT NEGOTIATING TASK DID NOT INVOLVE PREPARING AN AGREEMENT

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REGULATING OR CONTROLLING ARMS, BUT AGREEMENT GOVERNING PNES. AT SAME TIME, HE ADMITTED IT IS ABSOLUTELY NECESSARY THAT THERE BE NO WEAPON-RELATED BENEFITS OBTAINED, AND THIS IDEA HE CLAIMED IS REFLECTED IN SOVIET TEXT.

6. ELABORATING, MOROKHOV SAID THAT NPT ARTICLE V PROVIDES FOR OBTAINING BENEFITS FROM PNES, BUT DOES NOT MENTION PLACING LIMITATIONS ON PNES. HE CONCLUDED THAT ONE COULD

NOT SUBSUME A MULTILATERAL INTERNATIONAL AGREEMENT UNDER
A BILATERAL INTERNATIONAL AGREEMENT.

7. AS TO STOESSEL'S POINT THAT COMMON YIELD THRESHOLD IS
AN EXAMPLE OF LINK BETWEEN TTBT AND PNE AGREEMENT, MOROKHOV
SAID USSR VIEWS THIS AS "A CASE OF MERE COINCIDENCE".
PNE REQUIREMENTS CAN BE MET IN GREAT PART AT OR BELOW
SUCH A YIELD THRESHOLD; HOWEVER, SOME EXCEPTIONS ARE
REQUIRED, AS PROVIDED IN THE SOVIET TEXT. THIS FACT UNDER-
SCORES THE COINCIDENTAL NATURE OF THE COMMON YIELD
THRESHOLD.

8. MOROKHOV'S GENERAL CONCLUSION IS THAT IRRESPECTIVE
OF THE FACT THAT PNE AGREEMENT FLOWS FROM TTBT IT IS "AN
ABSOLUTELY INDEPENDENT TREATY." (COMMENT: AT THAT POINT
TIMERBAEV AND SAFRONOV HUDDLED BEHIND MOROKHOV AND
MOROKHOV HAD INTERPRETER CORRECT HIMSELF AND DELETE
"ABSOLUTELY". END COMMENT)

9. MOROKHOV SIAD SOVIET POSITION ON PROVIDING PNE
SERVICES TO THIRD COUNTRIES IS ALSO GOVERNED BY VIEW WHIN
HE HAD JUST STATED. US AND USSR SHARE AN OBLIGATION UNDER
NPT TO ESTABLISH CERTAIN CONDITIONS FOR PROVISION OF PNES
TO THIRD COUNTRIES, BUT THIS DOES NOT ALLOW US TO FORCE
THE PROVISIONS IN US TEXT ON THIRD COUNTRIES. ON THIS
POINT, MOROKHOV CLAIMED SOVIET TEXT MORE CLOSELY FOLLOWS
REQUIREMENTS OF NPT AND THE TTBT.

10. AT VERY END OF MEETING MOROKHOV RAISED QUESTION OF
COOPERATION, AND SUGGESTED IN THAT CONTEXT IT MIGHT BE
POSSIBLE TO COVER US THIRD-COUNTRY POINT THROUGH REFERENCE
TO NPT IN PNE TEXT. HE SUGGESTED REPHRASING ARTICLE V
PARA 3 OF SOVIET TEXT. TIMERBAEV SAID LANGUAGE SUCH AS
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"WE SHALL CONTINUE TO COOPERATE WITH A VIEW TO IMPLEMENT-
ING NPT ARTICLE V ON THE BASIS OF THIS TREATY" MIGHT DO IT.
BUCHHEIM WONDERED IF TIMERBAEV COULD ACCEPT "IN COMPLIANCE
WITH" RATHER THAN "ON THE BASIS OF", AND TIMERBAEV SAID
HE WAS NOT PROPOSING PRECISE LANGUAGE.

11. SEVERAL TIMES IN HIS REMARKS MOROKHOV URGED THAT
EXPERTS WORK FROM SOVIET TEXT IN THE WORKING GROUPS, WITH
US POSING QUESTIONS AS IT WISHES. HE ASSERTED THAT THIS
WOULD BE BEST BASIS FOR GETTING ON WITH WORK. HE CLAIMED,
CITING SEVERAL EXAMPLES, THAT US SIDE HAD NOT REPLIED TO
EVEN ONE QUESTION OF SOVIET SIDE ABOUT US DRAFT.

12. MOROKHOV GAVE SOME EXAMPLES OF WHY USSR BELIEVES US
PROVISIONS WOULD PROVIDE INFORMATION UNWARRANTED FOR

VERIFICATION PURPOSES AND INTERFERE WITH PNE PROJECTS.

EXAMPLES INCLUDED:

- PROVISION ALLOWING OBSERVERS TO USE OPTICAL INSTRUMENTS;
- UNRESTRICTED OBSERVER ACCESS WITHIN 10-KILOMETER RADIUS ZONE;
- OBSERVER PRESENCE THROUGHOUT PERIOD OF EMPLACEMENT HOLE CONSTRUCTION;

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EXDIS

- NEED FOR OBSERVERS TO OBTAIN INFORMATION ON ANY EQUIPMENT AND INSTALLATIONS IN ACCESS AREA;
 - NEED FOR DESCRIPTION OF ALL EQUIPMENT WITHIN EMPLACEMENT HOLE; AND
 - OBSERVER REQUIREMENT TO TAKE PHOTOGRAPHS.
- MOROKHOV SAID ALL THESE REQUIREMENT COULD PROVIDE INFORMATION FOR VERIFICATION PURPOSES BUT ALSO INFORMATION RELATED TO OTHER PURPOSES, AND IT IS THIS LATTER ASPECT WHICH CONCERNS USSR.

13. ON QUESTION OF SOVIET DOMESTIC LAW RAISED BY STOESSEL, USSR POSITION IS THAT PNE AGREEMENT SHOULD TAKE INTO ACCOUNT RESPECTIVE DOMESTIC LAWS OF THE TWO COUNTRIES, AND MAKE ANY ADJUSTMENTS NECESSARY IN THE US-USSR AGREEMENT IN ORDER TO MAKE IT CONSISTENT WITH EXISTING DOMESTIC LAW. MOROKHOV STATED HIS CONVICTION THAT TO PROCEED BY MAKING IT NECESSARY TO ADJUST EXISTING

SOVIET DOMESTIC LAW TO CONFORM TO A PNE BILATERAL TREATY
WOULD NOT BE FRUITFUL.

14. MOROKHOV SAID THAT STOESSEL'S STATEMENT TODAY MADE
CLEAR THAT THERE WAS SOME MISUNDERSTANDING OF SOME OF
HIS EARLIER COMMENTS ABOUT OBSERVERS. OBSERVERS,
MOROKHOV SAID, COULD OBTAIN INFORMATION DIRECTLY FROM
INSTRUMENTS AND WOULD NOT HAVE TO RELY ON BEING GIVEN
INFORMATION BY HOST SIDE. HE SAID HIS EARLIER REMARKS
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HAD BEEN A FIRST PROPOSAL, DETAILS OF WHICH HE AND
STOESSEL HAD NOT BEEN ABLE TO DISCUSS. BECAUSE OF THIS
STOESSEL HAD REACHED THE WRONG CONCLUSION.

15. STOESSEL THANKED MOROKHOV FOR HIS CANDOR AND
ASKED WHAT THE MINISTER HAD MEANT BY HIS PROPOSAL ON
VERIFYING SIDE EQUIPMENT OPERATED BY THE HOST SIDE IN
ORDER TO AVOID DOMESTIC LAW PROBLEMS.

16. ON EQUIPMENT, PARTICULARLY WHERE OBSERVERS WANT TO
DETERMINE NUMBER OF EXPLOSIONS IN A GROUP (COMMENT:
REFERENCE TO LOCAL SEISMIC NETWORK), MORKHOV SAID
VERIFYING SIDE COULD HAND OVER ITS EQUIPMENT TO HOST
SIDE "IN GOOD TIME", INCLUDING INSTRUCTIONS ON USE AND
HOW EQUIPMENT SHOULD BE INSTALLED. WHEN OBSERVERS
ARRIVE THEY CAN VERIFY PROPER USE AND INSTALLATION OF
EQUIPMENT, AND GET INFORMATION FROM SUCH EQUIPMENT IN
PRESENCE OF HOST SIDE. THE NEED FOR "INDEPENDENT" EQUIP-
MENT AROUSES SOVIET SUSPICIONS, MOROKHOV SAID.

17. WITH RESPECT TO SEISMIC EQUIPMENT, MOROKHOV, SAID
OBSERVERS COULD TAKE PART IN ITS INSTALLATION. IF A
"UNIFIED" INSTRUMENT TO MEASURE YIELDS CAN BE WORKED OUT,
MOROKHOV SAID A SIMILAR PROCEDURE COVERING INSTALLATION
COULD BE FOLLOWED.

18. AS TO OBSERVERS IN PNE AREAS, MOROKHOV AGAIN
STRESSED SOLVING THIS QUESTION THROUGH COOPERATION.
MORKHOV CONCLUDED THAT HIS SUGGESTIONS ON EQUIPMENT AND
OBSERVERS PROVIDE THE BASIS FOR SOLVING VERIFICATION
QUESTIONS IN A MANNER CONSISTENT WITH SOVIET DOMESTIC
LAW -- WHICH " GOVERNS NOT THESE CASES ALONE".

19. SOTESSEL STATED AGAIN MAIN POINTS FROM HIS STATE-
MENT, PARTICULARLY RELATING TO OBSERVERS, THEIR ACCESS
AND EQUIPMENT; TREATY DURATION; AND APPLICATION OF TERMS
OF A PNE AGREEMENT TO THIRD COUNTRIES. HE NOTED THAT ALL
THESE IMPORTANT QUESTIONS DESERVE MORE DETAILED EXAMINA-
TION BY DELEGATION HEADS AND WORKING GROUPS, AND PROPOSED

ANOTHER RESTRICTED MEETING OCTOBER 15 PRECEDED BY A SMALLER
WORKING GROUP SESSION THIS AFTERNOON TO WORK OUT A PROCE-
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DURAL APPROACH FOR FACILITATING GENERAL WORKING GROUP
ACTIVITY. MOROKHOV AGREED TO THIS, ADDING THAT SMALLER
WORKING GROUP SHOULD ALSO CONCENTRATE ON QUESTIONS OF
PRINCIPLE AND PASS SUGGESTIONS TO DELEGATION HEADS.
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